

BENCH-BAR COALITION
STATE BAR/CJA/JUDICIAL ADMINISTRATION CONFERENCE
CHIEF JUSTICE RONALD M. GEORGE
Fri., September 28, 2007 8am-10am

Good morning. I am very pleased to be here to thank you for your hard work over the past year and to speak about some of the challenges ahead. Under the excellent leadership of your co-chairs, Tony Capozzi and Joel Miliband, as well as your Executive Committee, the Coalition has been an important and effective voice for the judicial branch in Sacramento. You all have generously taken time away from your courts, law practices, and offices to advocate for the judicial branch.

With the turnover of legislators each session, it is imperative that our branch be able to make known our needs and our accomplishments in an effective and useful manner. Many of you attended the State of the Judiciary address I delivered in February of this year. In conjunction with that event, you were briefed on the Judicial Council's priorities and programs for the coming year. That day, more than 80 visits to individual legislators were made by members of the coalition. For most of you, these initial meetings began a process of forming invaluable relationships with individual legislators.

I met with your Executive Committee last April to discuss the next steps. In May of this year, a focused "Day in Sacramento" engaged a group of coalition members in meetings with targeted legislators and key staff. The emphasis at these meetings was placed on new judicial positions, court facilities projects, and judicial retirement system reform. June and July saw follow-up contacts, more visits, and, in collaboration with the California Judges Association, participation in the "Day on the Bench" court visits.

In August, responding to requests from the AOC's Office of Governmental Affairs, you sent letters of support for Assembly Bill 159, the new judgeships bill, to Senate Appropriations Committee members. You have continued to participate in efforts to increase diversity among California's judges. In short, the members of the Bench Bar Coalition have been very busy and productive.

What has been the result of all of these efforts? Numerous legislators have commented on the effectiveness of meeting with Bench Bar Coalition members — especially those who come from their districts and can speak to local needs. Several of you have begun to establish ongoing relationships with legislators and staff, strengthening the power of your advocacy and offering legislators a resource to turn to when they have questions or issues concerning the judicial branch.

For example, after the "Day in Sacramento" held in conjunction with the State of the Judiciary Address, several legislators and staff members observed that your meetings effectively reinforced key messages conveyed during my address. The coordinated delivery of information was especially important for new and non-attorney legislators. As you know, there are fewer and fewer attorneys in the Legislature, and their familiarity with the judicial branch and the courts often is minimal.

It is especially important that we keep this in mind as we engage in our branchwide effort to ensure that our courts remain accessible and impartial to all. Last fall, some of you attended the Judicial Council's summit on judicial elections.

We heard from sources drawn from across the nation about the impact of partisan and special interests upon judicial selection in an increasing number of jurisdictions. Judicial races, particularly for Supreme Court and appellate court positions in many states, are now considered simply another forum for the kinds of influence exercised in elections for offices in our sister branches of government. But although the legislative and executive branches are intended to be responsive to political forces, the judicial function is very different. Instead of being attentive to partisan preferences, pressures, and current opinions, courts must be led by only one source of influence: the rule of law.

A recent poll revealed that more than two-thirds of respondents could not identify the three branches of government. Without a basic understanding of the delicate system of checks and balances established by the founders of our nation and our state, and the distinct role allocated to each branch of government, it may be difficult for new legislators with no legal background to understand the vital role of a judiciary intended to function free from the typical political pressures that properly affect the other two branches.

Earlier this month, I appointed the Commission for Impartial Courts and it held its first meeting. It is comprised of a steering committee and four task forces focused on campaign conduct, financing of elections, selection and retention, and public education and information. In two years, the steering committee will bring recommendations in each of these areas to the Judicial Council to help ensure that California's courts remain impartial, independent, and able to serve the people of our state effectively and fairly. In your role as members of the Bench Bar Coalition, you can help reinforce the importance of an impartial judiciary in your various communications with officeholders in Sacramento.

In the year ahead, many specific goals will need your support. The small number of attorney-legislators and the impact of term limits on veteran legislators will continue to be a problem. We hope that you will continue to focus on individual legislators and staff, expand "Day on the Bench" visits to bring home the message of what our courts do for the public, and stay in touch with termed-out legislators who may return to the Legislature or move on to other influential governmental positions.

Informing persons occupying positions in the executive and legislative branches about the gaps separating workload, the number of judgeships, and adequate facilities continues to be a major effort. The last 50 judgeships of the 150 we first requested three years ago remain to be created. A necessary extension of the time for transferring facilities from the counties to the state under judicial branch management was not enacted, due to different versions of the measure being passed by the Assembly and the Senate in the closing days of the first year of the current legislative session. We have promises from legislators that a measure will be adopted in January and made effective as urgency legislation, but we may need your help in communicating the need for this important bill. Other judicial branch priorities also will need your advocacy.

You can maximize your effectiveness in several ways. Because of the turnover of legislators, and the large number of them who are not law-trained, staff play an important role in providing continuity and critical information. We hope that you will continue to interact with staff, especially attorney staff, through personal contact and that you will open lines of communication to them as well as to legislators. We are looking forward to your creating a blueprint for presiding judges and local bar leadership to follow in developing effective contacts.

Creating bench, bar, and legal services teams in your community can assist in "Day on the Bench" activities – and we hope you will actively pursue opportunities to schedule these

sessions. From your experiences, we will develop best practices to encourage legislators to visit their local courts and obtain a first-hand glimpse of the issues faced every day by the courts.

Many of you have noted the general lack of information among non-attorney legislators and legislators who do not sit on judiciary or budget committees. We hope to develop programs to share more information with these individuals so they will place a priority on having a strong impartial judicial branch. More outreach tools and strategies are needed, including working with local government officials who someday may become legislators, or who are influential with those representing their district.

For the Bench Bar Coalition itself, we need to identify gaps in what the coalition currently is able to cover, and to collaborate with local courts, bar associations, and legal services organizations to encourage their active participation in our efforts. To be effective, we need to explain to small and specialty bars why they should employ some of their limited resources to support and participate in the work of the coalition.

In short, much remains to be done. But we can take great comfort in knowing that the influence of the Bench Bar Coalition has greatly increased, and that legislators have begun to expect to obtain assistance from you in understanding more about the administration of justice, the work of the courts, and the needs of the judicial branch.

One of your leaders, Tony Capozzi, will be stepping down as co-chair for Northern California. He and Joel Miliband have skillfully guided your activities. During his tenure, Tony has responded to calls for action without hesitation, and on behalf of the entire court system, I want to express our gratitude for his many contributions and fine leadership.

I look forward to working with his successor, Ruthe Ashley, and Joel. I am gratified that although there are many demands placed on the coalition, its members have unstintingly displayed dedication and commitment to the group's work and goals. We are all very fortunate to have you working so effectively to improve the administration of justice in our state.

Thank you again for your participation in the Bench Bar Coalition. I look forward to working with you in the coming year and into the future.
